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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,746	10/02/2003	Kenneth Salwitz	13910-012001/2003P00027US	6621
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EXAMINER				
KARDOS, NEIL R				
ART UNIT		PAPER NUMBER		
3623				
NOTIFICATION DATE		DELIVERY MODE		
01/31/2012		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

# Office Action Summary

**Application No.**

10/678,746

**Applicant(s)**

SALWITZ ET AL.

**Examiner**

NEIL KARDOS

**Art Unit**

3623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1-6,8-10,19-24 and 26-28 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-6,8-10,19-24 and 26-28 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-SB08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

This is a **NON-FINAL** Office Action on the merits in response to the request for continued examination filed on July 13, 2011. Currently, claims 1-6, 8-10, 19-24, and 26-28 are pending.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 13, 2011 has been entered.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6, 8-10, 19-24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (US 5,381,332) in view of Microsoft Project, as evidenced by:**

- (A) User's Guide for Microsoft Project for Windows 95 and Windows 3.1 ("MSP 1995");**
- (B) Microsoft Project 1998 Support Course ("MSP 1998"); and**
- (C) Microsoft Project 2002 Training Courseware ("MSP 2002").**

**Claim 1:** Wood discloses a method performed on a processing device, comprising:

- storing, via the processing device, a simulation version of a project baseline, the simulation version comprising first objects that define elements of the project baseline (see column 10: lines 51-62, disclosing creating a project baseline; column 11: lines 35-40, disclosing storing the baseline; figure 9A: item 19; column 10: lines 40-50; see tables in columns 12, 13, 15, and 17-20 and figure 5, disclosing objects associated with the NST baseline);
- copying, via the processing device, the simulation version to create an operative version of the project baseline (see figure 9A: item 11, disclosing transferring the initial baseline from viewpoint to control; figure 10: items 1010 and 11 and associated text, disclosing transferring the initial baseline; column 10: lines 40-63,

disclosing transferring a baseline; column 21: lines 20-35; figure 11 and associated text; column 4: lines 31-35);

- augmenting, via the processing device, the simulation version by associating second objects with the first objects, the first objects being separate from the second objects and the first objects not changing when the simulation version is augmented thereby maintaining an original version of the project baseline despite subsequent baseline changes (see figure 9B: item 28, disclosing transferring revisions to the baseline from viewpoint to control; figure 10: items 1014 and 28, disclosing transferring revisions to the project baseline; column 11: lines 7-40, disclosing altering the baseline while maintaining the original version in an archive; column 23: line 64 through column 24: line 7, disclosing an original plan baseline file and a statused file; see also column 11: lines 12-15, disclosing producing numerous versions of NST file 512 containing baseline data; column 21: lines 20-35, disclosing that previously archived baseline data can be restored; column 10: line 63 through column 11: line 6, disclosing statusing a baseline by transferring status data to PMT file from NST file; column 17: line 60 through column 21: line 19, where the tables show status data objects used to augment the original objects; column 21: line 20 through column 22, specifically column 22: lines 41-44, disclosing revising the baseline by adding a new record; column 23: lines 34-58);
- changing, via the processing device, the operative version by combining existing operative version data in the first objects with changes to the simulation version

from the second objects, the operative version comprising third objects that correspond to the combinations of first and second objects (see sections cited above; see specifically column 17: line 60 through column 21: lines 19, disclosing copying the status data objects to the PMT; the new objects are associated with the existing objects through their usage of a common "Work Breakdown Structure Identifier"; column 21: lines 29-35, disclosing transferring baseline revisions to PMT);

- wherein changes are effected to a portion of the project baseline in the operative version that succeeds a time at which the operative version is changed (see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates);
- obtaining, via the processing device, an earned value for a project that corresponds to the updated project baseline, the earned value being obtained via the changed operative version (see column 8: line 60 et seq., disclosing that the PMT calculates earned values; figure 6, disclosing earned value calculations; column 8: lines 3-13, disclosing calculating earned value; column 8: lines 60-68, disclosing calculating earned value via budgeted cost of work performed; column 15: line 19 through column 16: line 25, disclosing a module for calculating earned value; column 18: lines 8-62, disclosing calculating budgeted cost of work performed); and
- providing an option to replan the project baseline in order to affect a timing of tasks occurring in the project baseline while holding the earned value constant

(see column 21: lines 20-65 and column 22: lines 24-50, disclosing revising the baseline by modifying planned start dates and planned finish dates; such a change has no effect on the current earned value, which will remain the same).

Wood does not explicitly disclose that the second objects remain separate from the first objects and apart from the simulation version. Microsoft Project discloses this limitation (see MSP 1995, pages 121-127, particularly page 121, disclosing a baseline plan that is kept separate so that it can be compared to actual progress; the second note on page 124, disclosing that updates to tasks do not affect the baseline version; see also MSP 1998: pages 5-113, 5-114, and 5-134 through 5-136, disclosing comparing a separate interim plan to a baseline plan; see also MSP 2002: Lesson 18: pages 3-5, disclosing saving separate baselines and interim plans). It would have been obvious to one of ordinary skill in the art at the time the invention was made to keep objects in Wood's operative project separate from objects in a baseline, as disclosed by Microsoft Project. One of ordinary skill in the art would have been motivated to do so for the benefit of being able to compare progress to the original baseline (see sections cited above in MSP references, disclosing this benefit).

Wood also does not explicitly disclose wherein changes are effected only to a portion of the project baseline in the operative version that succeeds a time at which the operative version is changed. Microsoft Project discloses this limitation (see MSP 1995: page 124, disclosing updating the remaining duration of a task, updating start and finish times of tasks and seeing how they affect future tasks; page 127, disclosing various ways to adjust a schedule; MSP 2002: Lesson 18: pages 7-10, disclosing editing progress of a task, such as actual start date, that only affects future baseline information, such as scheduled finish; see also pages 14 and 15, disclosing

similar features; pages 19 and 20, disclosing updating the project or individual tasks and calculating future effects). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have changes only affect the future portions of Wood's baseline, as disclosed by Microsoft Project. One of ordinary skill in the art would have been motivated to do so for the benefit of maintaining the past baseline for comparison purposes.

Claim 2: Wood discloses wherein the earned value is obtained based on an amount of work done on the project and a pre-assigned value for the project baseline (see figure 6, disclosing different earned value types with pre-assigned percentages; column 8: lines 60-68, disclosing calculating budgeted cost of work performed; column 18: lines 8-62, disclosing calculating budgeted cost of work performed based on a completion value or work accomplished).

Claim 3: Wood discloses wherein the amount of work done corresponds to a portion of the project that has been completed (see sections cited above; the reference discloses determining the budgeted cost of work performed).

Claim 4: Wood does not explicitly disclose the limitations of this claim. MSP 1998 discloses wherein the project baseline comprises a number of tasks (see at least table on page 6-18), each of the tasks having an assigned value (see at least pages 6-23 through 6-25; 6-28; 6-31



and 6-32); and wherein obtaining the earned value comprises: determining which of the tasks has been completed; and combining assigned values for completed tasks (see table on page 6-28).

Both Wood and MSP 1998 are related to project management. Wood specifically discloses adapting the teachings disclosed in the Wood reference to operate in Microsoft Project (see column 6: lines 4-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to incorporate the earned value techniques of MSP 1998 into the invention disclosed by Wood. This combination of known elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claim 5: Wood does not explicitly disclose augmenting the simulation version with a task, the task being defined by the second objects, wherein the third objects account for the task prior to obtaining the earned value. However, Wood does disclose augmenting the simulation version by altering the baseline (see figure 10: items 1014 and 28, disclosing transferring revisions to the project baseline; column 11: lines 7-40, disclosing altering the baseline while maintaining the original version in an archive; column 21: lines 20-35), and wherein the alterations are accounted for prior to obtaining the earned value (see id.). However, Wood does not disclose that the alteration is the addition of a task. MSP 1998 discloses tasks (see page 6-33; also note that Microsoft Project allows users to add tasks/projects and recalculate earned values). Furthermore, Examiner takes Official Notice that it was well-known in the art at the time the invention was made to add tasks to a project (e.g. Microsoft Project allows this). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to alter the project baseline of Wood by adding a task. This combination of known elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claim 6: Wood discloses wherein augmenting comprises adding second objects to the simulation version but keeping the second objects separate from the first objects (see at least column 11: lines 35-40, disclosing archiving the original baseline).

Claim 8: Wood discloses wherein a portion of the operative version that precedes a time that the task is incorporated is unchanged (see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates).

Claim 9: Wood discloses wherein a portion of the operative version that succeeds a time that the task is incorporated is changed (see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates).

Claim 10: Wood and MSP 1998 do not explicitly disclose wherein the task is selected from among other tasks for mapping to the operative version. However, Examiner takes Official Notice that it was well-known in the art at the time the invention was made to use a selection mechanism to make decisions on a computer (e.g. a drop-down box). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select tasks for addition to the operative version disclosed by Wood. This combination of known elements

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retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claims 19-24 and 26-28: Claims 19-24 and 26-28 are substantially similar to claims 1-6 and 8-10, and are rejected under similar rationale.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL KARDOS whose telephone number is (571)270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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